

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
21-cv-37

AARON THOMAS GRAHAM,

Plaintiff,

v.

FAMILY DOLLAR STORES OF NORTH
CAROLINA, INC.,

Defendant.

NOTICE OF REMOVAL

DEFENDANT FAMILY DOLLAR STORES OF NORTH CAROLINA, INC., by and through counsel give notice to the Court of removal of the above action from Cumberland County, North Carolina, (“State Court”) to the United States District Court for the Eastern District of North Carolina pursuant to 28 U.S.C. §§ 1332(a), 1441, and 1446. As set forth below, this Court has original diversity jurisdiction over this action pursuant to 28 U.S.C. § 1332. All requirements for removal of this action are met through the allegations contained in the pleadings filed in the State Court and in this Notice for Removal. In support of this Notice for Removal, Family Dollar states as follows:

1. There is a pending action in Cumberland County Superior Court and the action is styled *Aaron Thomas Graham v. Family Dollar Stores of North Carolina, Inc.*, NC Civil Action number: 20-CVS-6976 (“State Court Action”). The Complaint in the State Court Action was filed on or about December 24, 2020. The summons was issued the same day.

2. A true and accurate copy of the Summons and Complaint in the State Court Action is incorporated by reference as if fully set forth herein as **Exhibit A**.

3. This Notice of Removal is filed within twenty-one (21) days upon which Family Dollar Stores of North Carolina, Inc., first received a copy of the Summons and Complaint and is therefore timely pursuant to the provisions of 28 U.S.C. § 1446.

4. The State Court Action is properly removed under 28 U.S.C. § 1441(a), because the State Court Action is subject to the original jurisdiction of this Court pursuant to 28 U.S.C. § 1332, as explained below.

5. Family Dollar Stores of North Carolina, Inc., is informed and believes that Plaintiff is a citizen and resident of Cumberland County, North Carolina. (*See Ex. A.*)

6. Defendant Family Dollar Stores of North Carolina, Inc., is a company incorporated under the laws of the State of Virginia with its principal place of business in Chesapeake, Virginia.

7. Plaintiff's Complaint contains *ad damnum* clauses for his claims. Those allegations indicate that the amount of damages for his claims are in excess of \$25,000.00.

8. Upon information and belief, Plaintiff has alleged serious, painful and permanent injuries requiring care and surgery as pain and suffering and indicating that his injuries entitle him to punitive and compensatory damages.

9. Furthermore, Plaintiff's complaint alleges gross disfigurement of Plaintiff's body and that Plaintiff has experienced and will experience embarrassment and humiliation for the remainder of his life and alleges entitlement to damages as a result.

10. Moreover, Plaintiff alleges that he has experienced and will continue to experience *for the remainder of his life* emotional stress and strife and has been adversely affected with emotional problems requiring professional care and Plaintiff alleges entitlement to damages as a result.

11. From information contained in the Complaint and from Plaintiff, upon information and belief, the Plaintiff is seeking damages from Family Dollar Stores of North Carolina, Inc., in excess of \$75,000.00.

12. This action is properly removed on grounds of diversity jurisdiction because complete diversity of citizenship exists between Plaintiff and Family Dollar Stores of North Carolina, Inc., and the amount in controversy exceeds the jurisdictional threshold.

13. Written notice of the filing of this Notice of Removal will promptly be given to Plaintiff and Clerk of Superior Court of Durham County, North Carolina pursuant to 28 U.S.C. § 1446(d).

WHEREFORE, DEFENDANT FAMILY DOLLAR STORES OF NORTH CAROLINA, INC. respectfully requests that this case proceed before this Court as a civil action properly removed.

This 26 day of January, 2021

BY: S/ S. MARK HENKLE
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CERTIFICATE OF SERVICE

This is to certify that I have this day served the opposing party or counsel for the opposing party in the foregoing matter with a copy of Notice of Removal by depositing a copy of same in the United States Mail, postage prepaid, as follows:

Brenton D. Adams, Esq.
Brent Adams & Associates
P.O. 1389
Dunn, NC 28335
Attorney for Plaintiff

This 26th day of January, 2021.

BY: /S/ S. MARK HENKLE
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